



**OTTAWA CITY COUNCIL
DISPOSITION 71**

**Wednesday, February 16, 2022
4:00 PM**

By Electronic Participation

This Meeting was held through electronic participation in accordance with Section 238 of the *Municipal Act, 2001* as amended by the *COVID-19 Economic Recovery Act, 2020*

Note: Please note that the recorded votes and dissents contained in this Disposition are to be considered DRAFT until the Minutes of the meeting are confirmed by Council.

RESOLVING INTO COMMITTEE OF THE WHOLE

MOTION

Moved by Councillor S. Menard
Seconded by Councillor J. Leiper

That Councillor L. Dudas chair the Special meeting as Deputy Mayor.

LOST on a division of 8 YEAS and 15 NAYS, as follows:

YEAS (8): Councillors C. McKenney, T. Kavanagh, R. King, C.A. Meehan,
D. Deans, J. Leiper, R. Brockington, S. Menard

NAYS (15): Councillors C. Curry, L. Dudas, S. Moffatt, G. Gower, G. Darouze,
J. Cloutier, M. Fleury, C. Kitts, E. El-Chantiry, A. Hubley, J. Harder,
T. Tierney, M. Luloff, K. Egli, Mayor J. Watson

MOTION

Moved by Councillor J. Cloutier
Seconded by Councillor C. Kitts

That City Council resolve to move into Committee of the Whole pursuant to Section 52 of the *Procedure By-law*;

CARRIED

VERBAL UPDATES

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| 1. UPDATE FROM OTTAWA POLICE AND THE CHAIR, OTTAWA
POLICE SERVICES BOARD |
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MOTION

Moved by Councillor S. Moffatt
Seconded by Councillor L. Dudas

WHEREAS the Ottawa Police Service (OPS) has been the lead agency in charge of dealing with the illegal occupation of the City of Ottawa by the self-described Freedom Convoy 2022, which began on Friday, January 28th, 2022; and

WHEREAS, to date, the OPS has been unable to achieve the effective containment and elimination of the occupiers, who are well-funded and have been allowed to become entrenched rather than dispersed; and

WHEREAS the Ottawa Police Services Board is charged with providing the OPS with the resources it needs to perform effective policing; and

WHEREAS it is now widely understood that more resources should have been called for, and sooner, and Chief Peter Sloly has resigned and Interim Chief Steve Bell is now leading the Service; and

WHEREAS the City of Ottawa and the Province of Ontario have declared States of Emergency, and the Government of Canada has invoked the federal Emergencies Act, and the federal and provincial governments have provided significant additional policing resources as well as additional enforcement tools to provide

the Ottawa Police Service with all of the levers it needs to end this unlawful, aggressive occupation being significantly funded from foreign sources; and

WHEREAS the Province of Ontario recently designated Chief Superintendent - Regional Commander, Carson Pardy as their lead in Ottawa and the Government of Canada identified the Deputy Commissioner for Federal Policing, Michael Duheme as the RCMP lead in the integrated command structure; and

WHEREAS Acting Chief Steve Bell has already initiated a strong trilateral relationship with the two other levels of government to move to end the current occupation; and

WHEREAS, to date, the Ottawa Police Service Board has also not been effective to date in their oversight function and, in order to help restore public trust, the Vice-Chair Smallwood has indicated his willingness to resign; and

WHEREAS City Council believes that an interim Ottawa Police Services Board with more experience with emergency operations will allow Interim Chief Bell to focus all of his efforts, and that of his leadership team, on using all the tools and resources at his disposal to take the necessary actions to end the illegal occupation peacefully and finally, while continuing to provide information to the public, the OPS Board and City Council; and

WHEREAS Councillor El-Chantiry has extensive national, provincial and local experience related to Police Services Boards, including as Chair of the Ottawa Police Services Board, Chair of the Ontario Association of Police Services Boards, and as a member of the Board of the Canadian Association of Police Governance, and there are other Members of Council and former citizen appointees who also have more experience in oversight of the Police during emergency operations, and who are willing to serve again in this capacity, on an interim basis, to help stabilize the Board during emergency operations; and

WHEREAS Councillor Harder served on the Ottawa Police Services Board for seven years and sat on the hiring committee for one chief and two deputy chiefs; and

WHEREAS, following the end of the occupation and emergency operations, there will need to be a review of all of the actions undertaken related to the occupation by the Ottawa Police Service and its Board; and

WHEREAS the Ottawa Police Services Board will also need to hire its next Chief, which Council expects will be done following meaningful and constructive consultation with the community and, in particular, with marginalized communities who have been over-policed, and Councillor King will be key to those efforts, given his role as the Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives;

THEREFORE BE IT RESOLVED THAT City Council approve replacing current City Council appointees for the Ottawa Police Services Board, as follows, effective immediately:

- 1. Councillor Eli El-Chantiry, in the seat reserved by statute for the Mayor, replacing Councillor Diane Deans, and that Eli El-Chantiry be recommended to the Board to be its Chair;**
- 2. Councillor Jan Harder, replacing Councillor Carol Ann Meehan;**
- 3. Suzanne Valiquet, replacing Sandy Smallwood, who has resigned; and**
- 4. Councillor Jeff Leiper, replacing Councillor Rawlson King, who has resigned;**

BE IT FURTHER RESOLVED that City Council request that the Executive Director of the Ottawa Police Services Board call a Special Meeting of the Board, in accordance with their Rules of Procedure, to be held no later than 1 p.m. on Thursday, February 17th, 2022, to elect a new Chair and Vice-Chair; and

BE IT FURTHER RESOLVED that the City Clerk be directed to undertake a circulation of those Members of Council who wish to serve on the Police Services Board for the remainder of the term, to begin the work of consultation on the hiring of the new Chief, including community consultation, and undertaking a review of the actions of the Ottawa Police Services Board and the Ottawa Police Service related to the occupation, and that the Clerk bring forward the results of this circulation as soon as practicable following the end of the current, related States of Emergency; and

BE IT FURTHER RESOLVED that City Council thank the departing Members of the Ottawa Police Services Board for their work this term.

The recommendations of the motion were divided for voting purposes, as follows:

Recommendation 1 (regarding appointment of Councillor El-Chantiry to replace Councillor Deans) was CARRIED on a division of 15 YEAS and 9 NAYS, as follows:

YEAS (15): Councillors C. Curry, L. Dudas, S. Moffatt, G. Gower, G. Darouze, J. Cloutier, M. Fleury, C. Kitts, E. El-Chantiry, A. Hubley, J. Harder, T. Tierney, M. Luloff, K. Egli, Mayor J. Watson

NAYS (9): Councillors C. McKenney, T. Kavanagh, R. King, C.A. Meehan, D. Deans, J. Leiper, R. Brockington, R. Chiarelli, S. Menard.

Recommendation 2 (appointing Councillor Harder to replace Councillor Meehan) was LOST on a division of 11 YEAS and 13 NAYS, as follows:

YEAS (11): Councillors C. Curry, L. Dudas, S. Moffatt, G. Gower, G. Darouze, J. Cloutier, E. El-Chantiry, A. Hubley, J. Harder, T. Tierney, J. Watson

NAYS (13): Councillors C. McKenney, T. Kavanagh, R. King, C.A. Meehan, D. Deans, M. Fleury, C. Kitts, J. Leiper, R. Brockington, R. Chiarelli, S. Menard, M. Luloff, K. Egli

Recommendation 3 (appointing Suzanne Valiquette to replace Sandy Smallwood, who has resigned) was CARRIED with Councillors R. Chiarelli, S. Menard and R. King dissenting.

Recommendation 4 (appointing Councillor Leiper to replace Councillor King, who has resigned) was CARRIED with Councillor C.A. Meehan and M. Fleury dissenting.

The remaining resolutions of the Motion CARRIED.

At the conclusion of the meeting, Councillor C.A. Meehan raised a Point of Order and announced her resignation of her position on Ottawa Police Services Board. Mayor Watson advised that the Office of the City Clerk would circulate for expressions of interest to fill the vacancy, to be dealt with at the next City Council meeting.

2. UPDATE FROM THE CITY MANAGER AND CITY OFFICIALS
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MOTION

Moved by Councillor T. Kavanagh
Seconded by Councillor R. Brockington

WHEREAS the Freedom Convoy occupation of the City of Ottawa is now in its third week with no clear end in sight; and

WHEREAS the occupation continues to randomly spread out to other parts of the city; and

WHEREAS organizers for the occupation have released statements being unequivocal about their demands: they seek to hold the City of Ottawa hostage as leverage against the Federal and Provincial Governments, and they have no intention of ending their campaign and leaving the city until their demands are met; and

WHEREAS the City of Ottawa is in a State of Emergency in response to the continued illegal occupation of Ottawa's downtown core; and

WHEREAS the methods used by individuals participating in the demonstrations to illegally occupy the City of Ottawa, and terrorize residents and businesses, utilize unprecedented tactics that have no place in a free and democratic society and mark an intolerable departure from what could be considered lawful protest, including reports from the Ottawa-Carleton District School Board of harassment at an Ottawa school towards its teachers, parents, and staff; and

WHEREAS a number of schools have been forced to have indoor recess in order to maintain a safe environment; and

WHEREAS schools must remain a place where everyone – children, students, staff, parents and the community – feels welcome, safe and respected; and

WHEREAS a safe, inclusive and accepting school environment is essential for student well-being and achievement;

THEREFORE BE IT RESOLVED that the City of Ottawa condemn the presence of Freedom Convoy protesters in or in the vicinity of school zones.

CARRIED

MOTION

Moved by Councillor C. McKenney
Seconded by Councillor S. Menard

WHEREAS since on or about Friday, January 28, 2022, hundreds of vehicles and hundreds to thousands of individuals at any given time have illegally occupied the downtown core; and

WHEREAS the occupation has impacted every aspect of life in the City of Ottawa's core, including transit transportation, business, shopping, recreation, tourism, sightseeing, snow clearing and snow removal, work, income, and has impacted quality of life measurements like peace and quiet, recreation, sleep, personal security, stress, and safety;

THEREFORE BE IT RESOLVED that the Mayor of the City of Ottawa issue a formal apology on behalf of City Council to the citizens of the City of Ottawa and in particular to those citizens in the downtown core for failing to protect them and for failing to provide safety, security, and service to them.

CARRIED with Councillor D. Darouze dissenting.

MOTION

Moved by Councillor C. McKenney
Seconded by Councillor M. Fleury

WHEREAS since on or about Friday, January 28, 2022, hundreds of vehicles and hundreds to thousands of individuals at any given time have illegally occupied the downtown core; and

WHEREAS the occupation has blocked city streets and transit routes throughout the downtown core; and

WHEREAS some monthly transit pass holders paid for February passes but have had limited use of them;

THEREFORE BE IT RESOLVED that OC Transpo provide fare-free bus and Para Transpo service to residents and workers in the affected areas beginning on Sunday, February 20, 2022, and until 30 days after the City is no longer in a state of emergency under the *Emergency Management and Civil Protection Act*, by:

- (a) collecting no fares as customers board buses at any bus stop on bus routes 5, 6, 7, 9, 10, 11, 14, 15, 16, 18, 19, 55, 56, 85 and 114 (except that fares will continue to be required at the pedestrian entrances to the fare-paid zones at Greenboro, Hurdman, and Tunney's Pasture stations); and
- (b) collecting no fares for Para Transpo trips which are booked to or from addresses in Somerset and Rideau-Vanier wards; and

BE IT FURTHER RESOLVED that the foregone revenue from the no-charge transit be funded from the Transit Operating Reserve and the City seek to recover the foregone revenue from other levels of government in the request for compensation from the occupation.

CARRIED with Councillor R. Chiarelli dissenting.

MOTION

Moved by Councillor R. King
Seconded by Councillor R. Brockington

WHEREAS the Ontario government has introduced the temporary Ontario Staycation Tax Credit this year encouraging residents and families to take short-term trips within the Province in an effort to boost the tourism and hospitality sector amid the ongoing COVID-19 pandemic.

WHEREAS Ontarians are eligible to claim up to up a maximum of \$1,000 as an individual or \$2,000 who have a spouse or common-law partner or children to see a return of \$200 or \$400, respectively. This can be for one trip or for multiple trips and the stay must be under a month.

WHEREAS individuals have travelled to the City of Ottawa with the intent to illegally occupy the municipality, terrorize residents and businesses, as well as utilize unprecedented tactics that have no place in a free and democratic society.

THEREFORE BE IT RESOLVED that the Mayor write to the Premier to indicate on behalf of Council that the individuals involved in the illegal occupation should not qualify for the tax credit, since the application of such a tax credit would financially benefit individuals who have participated in the illegal occupation.

CARRIED with Councillor R. Chiarelli dissenting

MOTION

Moved by Councillor R. King
Seconded by Councillor T. Kavanagh

WHEREAS Ottawa City Council condemned the use of racism, anti-Semitism, and xenophobia; the mockery of Indigenous culture; and the harassment and denigration of residents within the 2SLGBTQI+ community during this illegal occupation.

THEREFORE BE IT RESOLVED that Council direct staff from the Anti-Racism Secretariat to work with the Community Led Anti-Racism Advisory Table to consider the development of a public service campaign to promote awareness about the negative impact of racism, anti-Semitism, and xenophobia in the wake of the illegal occupation as part of the Anti-Racism Strategy.

CARRIED with Councillor R. Chiarelli dissenting

MOTION

Moved by Councillor S. Menard
Seconded by Councillor C McKenney

WHEREAS an illegal occupation of the City of Ottawa has been occurring for 19 days; and

WHEREAS this illegal occupation has engaged in harassment, threats of violence, acts of violence, and attempted acts of violence towards the residents of the City of Ottawa; and

WHEREAS this illegal occupation has employed rigs, pick-up trucks and other large vehicles as a primary method of the occupation, and as a key component in the campaign of threats, violence and harassment of our residents; and

WHEREAS these vehicles have been used to intimidate and harm residents, including through consistent and unrelenting noise, often exceeding 110 dB, which can cause permanent hearing loss; and

WHEREAS these idling vehicles have been adding further pollution to our city, particularly the downtown core, causing harm to the health and wellness of our residents; and

WHEREAS the vehicles—whether abandoned or inhabited—have been parked illegally for over two weeks in some cases; and

WHEREAS there has currently been limited enforcement by Ottawa Police Services or Ottawa By-Law Services to enforce parking regulations, noise regulations and idling regulations beyond ticketing; and

WHEREAS the City of Ottawa and Ottawa Police Services currently have the enforcement powers and the necessary tools to remove the vehicles; and

WHEREAS the mayor of the City of Ottawa struck a “backchannel” deal with the organizers of the illegal occupation; and

WHEREAS the residents of Centretown and other areas of the city continue to experience the noise, threats and disruption related to the unlawful conduct of protesters, despite the mayor’s “backchannel” deal; and

WHEREAS implementation of the mayor’s “backchannel” deal has further legitimized extreme-right wing organizers of the occupation, may be used to demonstrate that the occupiers were there peacefully and legally, and may cause more hardship for needed enforcement; and

WHEREAS this weekend, thousands of residents participated in protests against the illegal occupation, and against city and police inaction regarding the illegal occupation; and

WHEREAS we have typically witnessed the number of vehicles parked on our streets as part of this illegal occupation diminish during the week, only to swell over weekends; and

WHEREAS if police services continue to fail to act, it is likely that residents will continue to take action; and

WHEREAS, Ottawa City Council appoints the majority of the members of the Ottawa Police Services Board; and

WHEREAS residents are now, once again, looking to City Council to provide leadership and action in ending the illegal occupation of our city; and

WHEREAS on February 14, 2022, the Ontario Superior Court of Justice granted the City of Ottawa's request for an injunction addressing the widespread disregard for municipal by-laws arising out of the ongoing demonstrations; and

WHEREAS the purpose of the injunction in concert with the recently enacted Provincial Emergency Orders, is to supplement the tools available to law enforcement authorities to address the unlawful conduct of protestors; and

THEREFORE BE IT RESOLVED THAT Ottawa City Council supports the deployment of the full array of tools recently made available in order to bring to an end the unlawful behaviour continuing to take place as part of the occupation, even if this would require enforcement that would contravene the “backchannel” deal struck by the mayor, including tools that may be used such as:

- 1. Towing illegally parked vehicles;**
- 2. Setting strict deadlines for compliance;**
- 3. Dismantling illegal structures and fires erected by occupiers;**
- 4. Enforcing the terms of the injunction granted to the City of Ottawa;**
- 5. Coordinating greater crowd control and dispersal measures.**

CARRIED with Councillor G. Darouze and R. Chiarelli dissenting

MOTION

Moved by Councillor J. Leiper
Seconded by Councillor R. Brockington

WHEREAS the continued occupation of Ottawa's downtown appears likely to continue into a fourth weekend on February 19 to 21; and

WHEREAS a demonstrable pattern has emerged during each weekend of the occupation of significantly higher attendance as thousands of people not local to the downtown core join the occupation using their private vehicles to access the area; and

WHEREAS these additional participants demonstrably elevate the level of law-breaking, harassment of residents and intolerable impacts to local businesses; and

WHEREAS a significantly elevated crowd level increases the challenge to law enforcement officers of maintaining order; and

WHEREAS the preponderance of additional protesters access the site via motor vehicle; and

THEREFORE BE IT RESOLVED that Council direct the General Manager of Public Works to work in collaboration with the Somerset Ward councillor and Rideau Vanier councillor in particular, but also affected Ward Councillors, to accomplish such road closures anywhere in the city as can be expected to diminish the volume of motor vehicles able to access the downtown core on February 19-21, and that the General Manager of Public Works or designate review these requests with Ottawa Police Services to ensure these can be accommodated as part of a coordinated response to the ongoing city emergency.

CARRIED

INQUIRY

Councillor M. Fleury (OCC 22-03)

Since notice that a convoy of trucks was entering our City on Jan. 28, 2022, the expectation was that it would last three days, as per the City memo issued on Jan. 27, 2022. Initially, the intent and messaging from staff was that the City was working with the Ottawa Police Service (OPS) to develop traffic and parking management plans, and that updates would be provided.

Since that day, we have not only witnessed this ‘protest’ turn into an illegal occupation but it’s numbers seem to fluctuate depending on the day – allowing the occupiers to come and go as they please. It has also left our residents and local businesses – those we are sworn to serve – vulnerable to fear and intimidation. Subjected to constant noise, disruptions to their daily lives and the inability to feel safe in their City, as well as forcing many businesses to close.

To seek clarity on behalf of residents and businesses severely impacted by city and enforcement responses to the events of the last 19 days, I request the City respond to the following questions by the March 9th Council meeting:

1. When did the first request to the provincial government for resources (from City, Mayor) take place and what was it for?
 - a. Please include all/any official correspondence and request from City/OPS authorities to the Government of Ontario and the date it occurred.
2. When did the first request to the Federal governments for resources (from City, Mayor) take place and what was it for?
 - a. Please include all/any official correspondence and request from City/OPS authorities to the Government of Canada and the date it occurred.
3. What change in circumstances led the city to declare a State of Emergency on February 6th and not January 30th when it was clear the illegal occupation was making no efforts to vacate the city?
4. With the impact of the occupation, how are OC Transpo detour routes developed and implemented?
 - a. How is OC adapting to feedback from customers?
 - b. How is OC Transpo informing customers of these changes on an ongoing basis?
 - c. Are there any Para Transpo customers who were not or are not able to utilize services?
 - d. Were extra resources deployed to facilitate detour operations and customer experience and safety? (vehicles, operators, staff, etc.)

5. What is the role of the Emergency Operations Centre (EOC) when it comes to situations that are led by police authorities?
6. What process is the Emergency Operations Centre (EOC) using to collect concerns and reports from residents and businesses?
 - a. How are these reports and concerns being responded to?

MOTION TO RISE AND REPORT

MOTION

Moved by Councillor J. Cloutier
Seconded by Councillor C. Kitts

That the Committee of the Whole rise and report to City Council; and

Be it further resolved that any motions, votes, and declarations of interest recorded during the Committee of the Whole session be deemed to be recorded in the Council session.

CARRIED